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Chapter 14-4 - HOUSING CODE

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Article 1 - General Provisions

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Sec. 14-4-1 - Short title.

This and [Chapter 14-8](#) shall be known as the "Residential Anti-Neglect Ordinance" or as the housing code.

(Ord. 4232, 1-4-94; Code 1985 § 48-1)

Sec. 14-4-2 - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of the housing code, have the meanings indicated in this section:

Generally. Where terms are not defined in this section and are defined in the building code, they shall have the meanings ascribed to them in the building code. Where the terms are not defined under the provisions of the housing code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may apply.

Whenever the words "multifamily dwelling," "residence building," "dwelling unit," "rooming house" or "premises" are used in the housing code, they shall be construed as though they were followed by the words "or any part thereof."

"Abandoned vehicle" means any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control and/or any vehicle which is wrecked or partially dismantled or inoperable for a period often (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled or if the owner has relinquished dominion or control of such vehicle for ten (10) days.

"Accessory structure" means a building, structure or fence, the use of which is incidental to that of the main building and which is located on the same lot.

"Approved," as applied to a material, device or method of construction, means approved by the manager of housing and code enforcement under the provisions of the housing code or approved by other authority designated by law to give approval in the matter in question.

"Basement" means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

"Boardinghouse," "lodging house," "tourist house" means a building, other than a hotel, where, for compensation and by arrangement, meals or lodging and meals are provided for five but not more than twenty (20) persons.

"Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

"Building code" means the building code adopted by the city council.

"Building official" means the official designated by the city to enforce building, zoning or similar laws or his or her duly authorized representative.

"Cellar" means the portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

"Court" means an open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

"Court, Enclosed or Inner." "Enclosed or inner court" means a court surrounded on all sides by the exterior walls of a structure or by such walls and an interior lot line. "Court, Outer." "Outer court" means a court having at least on side thereof opening onto a street, alley or yard or other permanent open space.

"Director" means the director of the city division of public service and neighborhoods. The official designated herein or otherwise charged with the responsibility of administering the housing code or his or her authorized representatives.

"Dormitory" means a space or unit where group sleeping accommodations are provided with or without meals for persons living in one room or in a series of closely associated rooms, under joint occupancy and single management, as in college dormitories.

"Dwelling" means any building or structure or part thereof used and occupied for human habitation or intended to be so used including any accessory building and appurtenances (right-of-way, i.e., driveway) belonging thereto or usually enjoyed therewith.

1. "Single-family dwelling" means a building designed for or occupied exclusively by one family.
2. "Two-family dwelling" means a building designed for or occupied exclusively by two families.
3. "Multifamily dwelling" means a building designed for or occupied exclusively by three or more families.

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

"Exterior property areas" means the open space on the premises and an adjoining property under the control of owners, operators or occupants of such premises.

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"Family" means one or more persons living together, whether related to each other by birth or not, having common housekeeping facilities.

"Garbage" means the animal, vegetable and mineral waste resulting from the handling, preparation, cooking and consumption of food.

Gender. Words importing the masculine gender shall include the feminine and neuter.

"Gross floor area" means the total area of all habitable space in a building or structure.

"Habitable room" means a room or enclosed floor space arranged for living, eating and/or sleeping purposes (not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces).

"Hotel" means any building containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

"Infestation" means the presence, within or contiguous to a multifamily dwelling, unit, rooming house, rooming unit, building, structure or premises, of insects, rodents, vermin or other pests.

"Junkyard" means a place where odds and ends of materials, rubbish and/or garbage, appliances, furniture, machinery or equipment rags, cordage, metals, old machinery and parts, old apparatus or fixtures or parts of same, worn out motor vehicles and parts of same, etc., are stored, collected, bought or sold.

"Lot" means a parcel of land, considered as a unit, with or without a structure on it.

"Manager" means the manager of the department of housing and code enforcement. The official designated by the city to enforce the housing code or his or her duly authorized representatives.

"Mobilehome" means a one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

"Motor court" or "motel" means a building or group of buildings used for the temporary residence of transient motorist or travelers.

"Nuisance" means an act or use of property which endangers the life or health of others or which gives offense to the senses or violates the laws of decency or obstructs the reasonable and comfortable use of property or creates an unsightly condition upon the property tending to reduce the value thereof, or invites plundering or creates a fire hazard or promotes urban blight and deterioration in the community.

"Occupancy" means the purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

"Occupant" means any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of such dwelling or rooming unit.

"Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Operator" means any person who has charge, care or control of a multifamily dwelling or, rooming house, in which dwelling units or rooming units are let or offered for occupancy.

"Owner" means the holder of the title in fee simple. Any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling unit with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, assignee of rents, lessee or other person, firm or corporation in control of a building or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of the housing code, and the rules and regulations adopted pursuant thereto, to the same extent as if he or she were owner. It is his or her responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

"Plumbing" or "plumbing fixtures" means water heating facilities, water pipes, gas pipes, garbage and disposal units, lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

"Premises" means a lot, plot or parcel of land including the building or structures thereon.

"Property" means any improved or unimproved real property within the city, including but not limited to streets, highways, alleys and right-of-ways.

"Repair" means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installation or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

"Residence building" means a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided except when classified as an institution under the building code.

"Required" means required by some provisions of the housing code.

"Rooming house" means any residence building or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to five but not more than twenty (20) persons who are not members of the family.

"Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include appliances, furniture, vehicle parts, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar material.

"Stairway" means one or more flights of stairs and necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work, artificially built or composed of parts joined together in some definite manner.

"Supplied" means installed, furnished or provided by the owner, operator or occupant.

"Travel trailer" means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreation or vacation use.

"Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

"Ventilation, Mechanical" means ventilation by power-driven devices.

"Ventilation, Natural" means ventilation by an opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

"Workmanlike." Whenever the words "workmanlike state of maintenance and repair" are used, they mean that such maintenance and repair shall be made in a reasonably skillful manner as approved by the manager of housing and code enforcement or his or her designee.

"Yard" means any open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

"Yard, Front" means a yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn parallel to the front lot line at the required building line on the lot; as defined in the zoning ordinances.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-2)

Sec. 14-4-3 - Purpose.

The purpose of the housing code is to protect the public health, safety and welfare in buildings, structures and premises as hereinafter provided by:

- A. Establishing minimum standards for basic equipment and facilities for light, ventilation, space, heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; for cooking equipment in all dwellings and multifamily dwellings now in existence;
- B. Fixing the responsibilities of owners, operators and occupants of buildings, structures and premises;
- C. Providing for administration, enforcement and penalties.

(Ord. 4232, 1-4-94; Code 1985 § 48-3)

Sec. 14-4-4 - Applicability.

- A. Generally. The provisions of the housing code shall apply to all buildings, structures and premises which are now or may become in the future, substandard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions and overcrowding or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment of these minimum standards. Every portion of a building or premises, except hotels and motels serving transient guests only, rest home, convalescent homes and nursing homes, shall comply with the provisions of the housing code, irrespective of when such buildings shall have been constructed, altered or repaired, except as hereinafter provided.
- B. Mobilehomes. All moveable units used for human occupancy and the area, grounds or parcels on which they are located, as provided for in the building code or such other codes, laws and ordinances of the municipality applicable thereto shall comply with the requirements of the housing code.
- C. Existing Buildings. The housing code establishes minimum requirements for the initial and continued occupancy of all buildings and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this section.

(Ord. 4232, 1-4-94; Code 1985 § 48-4)

Sec. 14-4-5 - Penalty for violations.

It is unlawful for any owner, occupant, mortgagee, lessee or any other person to violate any of the provisions of the housing code and upon conviction thereof, shall be punished by a fine for each offense and/or any remedial action that shall be deemed necessary pursuant to the inherent power of the court. Each day a violation continues after a service of notice specifying a compliance date shall be deemed a separate offense.

(Ord. 4232, 1-4-94; Code 1985 § 48-5)

Sec. 14-4-6 - Department of housing and code enforcement and manager of housing and code enforcement generally.

There is created a department to be known and designated as the department of housing and code enforcement and the manager of housing and code enforcement is designated and authorized to exercise the powers prescribed in the housing code. Personnel to properly operate the department and carry out the provisions of the housing code are authorized. Such department shall be considered a bureau within the city government within the division of public service and neighborhoods, which division shall provide operating funds for the department of housing and code enforcement within its budget and all funds for the department of housing and code enforcement shall be expended as provided for expenditures of any other bureau of the city government.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-6)

Sec. 14-4-7 - General powers and duties of the manager of housing and code enforcement.

- A.** The manager of housing and code enforcement is authorized to make inspections to determine the condition of all buildings, structures and premises, including but not limited to, dwellings, dwelling units, apartment buildings, rooming houses and rooming units, buildings, structures and premises, whether improved or unimproved, located within the city, in order that he or she may perform his or her duty of safeguarding the health, safety and welfare of the occupants and of the general public.
- B.** It shall be the duty and responsibility of the manager of housing and code enforcement to enforce the provisions of the housing code.
- C.** The manager of housing and code enforcement shall make or cause to be made inspections to determine the conditions of dwellings, multifamily dwellings, dwelling units, rooming houses, rooming units, buildings, structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of the housing code. The manager of housing and code enforcement is authorized to enter any dwelling, dwelling unit, multifamily dwelling, rooming house, building, structure or premises at any reasonable time for the purpose of performing his or her duties under the housing code.

(Ord. 4232, 1-4-94; Code 1985 § 48-7)

Sec. 14-4-8 - Assistants may act for the manager of housing and code enforcement.

Any duty or act required of or authorized to be done by the manager of housing and code enforcement may be performed by one of his or her assistants to whom the manager may delegate such powers, subject to his or her revision and the approval of the director of public service and neighborhoods.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-8)

Sec. 14-4-9 - Resisting or interfering with housing and code enforcement employee.

It is unlawful for any person to resist or interfere with a housing and code enforcement employee in the performance of their duties by acting in a violent and tumultuous manner toward any housing and code enforcement employee so that such employee is placed in danger of safety of his or her life, limb or health.

(Ord. 4232, 1-4-94; Code 1985 § 48-9)

Sec. 14-4-10 - Responsibilities of occupants.

- A.** Generally. Occupants of dwellings, multifamily dwellings, dwelling units, buildings, structures and premises shall be responsible for maintenance thereof as provided in this section.
- B.** Cleanliness. Every occupant of a building, structure and premises shall keep that part which he or she occupies, controls or uses, in a clean and sanitary condition.
- C.** Rubbish Disposal. Every occupant of a building, structure or premises shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by [Section 14-4-68](#).
- D.** Garbage Disposal. Every occupant of a building, structure or premises shall dispose of his or her garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or if such facilities are not available, by removing all nonburnable matter and securely wrapping such garbage and placing it in tight metal garbage containers as required by [Section 14-4-69](#) or by such other disposal method as may be required by applicable laws or ordinances of the city.
- E.** Plumbing Facilities. Every occupant of a building, structure or premises shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation. Every plumbing fixture furnished by the occupant of a building, structure or premises shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

(Ord. 4232, 1-4-94; Code 1985 § 48-10)

Sec. 14-4-11 - Occupant to give owner access to premises.

Every occupant of a building, structure or premises shall give the owner or operator thereof, or his or her agent or employee, access to any part of such building, structure or premises at reasonable times, for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of the housing code.

(Ord. 4232, 1-4-94; Code 1985 § 48-11)

Sec. 14-4-12 - Inspections and orders generally.

Inspections of premises and the issuing of orders in connection therewith under the provisions of the housing code shall be the exclusive responsibility of the department of housing and code enforcement. Wherever, in the opinion of the manager of housing and code enforcement, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings, structures or premises shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under the housing code shall be issued without the approval of the manager of housing and code enforcement and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

(Ord. 4232, 1-4-94; Code 1985 § 48-12)

Sec. 14-4-13 - Inspection fee.

- A.** Whenever a request is made by any person for an inspection of property to determine whether or not it complies with the local city codes for any Federal Housing Administration or Veterans Administration, loan commitments or any other request of a similar nature, involving preparation of a special report and initial filing fee in the amount of one hundred dollars (\$100.00) shall be paid to the treasury office of the city, which shall be paid at the time the request is made, and such fee shall include one reinspection of property. If the structure fails to pass after first reinspection and additional fee of fifty dollars (\$50.00) will be required for any, two succeeding inspections until such time as the structure has passed inspection. The above fee applies to family-type dwellings containing one to four units only. An additional fee of ten dollars (\$10.00) per unit shall be made for such structures exceeding four units.
- B.** The report or certificate issued as a result of this inspection is not a warranty or guarantee that there are no defects in the building, structure or premises, nor shall the city be held responsible for defects not noted.
- C.** All fees must be collected prior to any physical inspection of properties. Once any fee has been paid, it shall not be refundable for any reason whatsoever. This fee shall be for the purpose of defraying the costs of making an inspection, preparing a report and to cover any related administrative costs involved.

(Ord. 4232, 1-4-94; Code 1985 § 48-13)

Sec. 14-4-14 - Report to city attorney of failure to comply with orders or removal of notices.

The manager of housing and code enforcement shall report to the city attorney, or his or her designee, the names of all persons who shall fail to comply with any order he or she is obliged to issue under the provisions of the housing code, or who shall remove any official notice he or she is obliged to issue under the provisions of the housing code, or who shall remove any official notice he or she is obliged to post, for such legal action as the city attorney, or his or her designee, may deem necessary.

(Ord. 4232, 1-4-94; Code 1985 § 48-14)

Sec. 14-4-15 - General duties of city attorney.

The city attorney, or his or her designee, shall:

- A.** Prosecute all persons failing to comply with the orders issued by the manager of housing and code enforcement as provided in the housing code;
- B.** Appeal at all hearings before the city council where action is to be taken by the manager of housing and code enforcement;
- C.**

- Bring suit to collect all municipal liens for costs incurred to enforce orders to repair, vacate, demolish or remove personal property under the housing code;
- D.** Take such other legal action as is necessary to carry out the terms of the housing code and advise the manager of housing and code enforcement in the proper procedure in the performance of his or her duties and exercising his or her authority.

(Ord. 4232, 1-4-94; Code 1985 § 48-15)

Sec. 14-4-16 - Disconnection of utility services when certain orders not complied with.

Whenever the manager of housing and code enforcement is of the opinion that a building or structure is a dangerous structure as defined in [Section 14-4-34](#), or is unfit for human occupancy as defined in [Section 14-4-24](#), and is of the opinion that the owners or other parties in interest have not complied with his or her orders and all proper appeals have been exhausted and the property is vacant, he or she shall serve a copy of his or her order on the light, gas and water division, which shall then disconnect any utility services (electric, water and gas) to such building, structure or premises until such time as the manager of housing and code enforcement declares such condition to have been rectified. In the event the owner and other parties in interest are of the opinion that they have complied with such order and the manager of housing and code enforcement still declines to state that such conditions have been rectified, the matter may be appealed to a court of competent jurisdiction.

(Ord. 4232, 1-4-94; Code 1985 § 48-16)

Sec. 14-4-17 - Recordation of orders.

Whenever the manager of housing and code enforcement is of the opinion that a building, structure or premises is dangerous as provided in [Section 14-4-34](#), or is unfit for human occupancy as defined in [Section 14-4-24](#), and is of the opinion that the owners or parties in interest have not complied with his or her orders and all proper appeals have been exhausted, he or she may record a copy of his or her order in the county registrars office, giving a full legal description of the building, structure or premises, including subdivision name and lot number. If and when the manager of housing and code enforcement declares the condition to have been rectified, he or she shall release his or her order by making a proper notation in the county registrars office. In the event the owner and other parties in interest are of the opinion that they have complied with such order and the manager of housing and code enforcement declines to state that such conditions have been rectified, the matter may be appealed to a court of competent jurisdiction.

(Ord. 4232, 1-4-94; Code 1985 § 48-17)

Sec. 14-4-18 - Changes to be made in accord with building code.

- A.** Any alterations to buildings, structures or premises or changes of use therein which may be caused directly or indirectly by the enforcement chapter shall be done in accordance with applicable sections of the building code.
- B.** Any owner, authorized agent or contractor who desires to alter the use of occupancy of a building, structure or premises shall first make application to the building official and obtain the required permit.

(Ord. 4232, 1-4-94; Code 1985 § 48-18)

Sec. 14-4-19 - Chapters do not permit zoning violations.

Nothing in the housing code shall permit the establishment or conversion of a building, structure or premises in any zone except where permitted by the zoning ordinances, nor the continuation of such nonconforming use in any zone except as provided therein.

(Ord. 4232, 1-4-94; Code 1985 § 48-19)

Sec. 14-4-20 - Chapters do not abolish or impair other remedies.

Nothing in the housing code shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal of rubbish, garbage, debris, abandoned vehicles or personal property or the demolition of any buildings or structures which are deemed to be dangerous or unsanitary.

(Ord. 4232, 1-4-94; Code 1985 § 48-20)

Sec. 14-4-21 - Conflicts with other ordinances.

Except as provided in [Section 14-4-4\(C\)](#), in any case where a provision of the housing code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this municipality currently existing, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of the housing code is found to be in conflict with the provisions of any other ordinance or code of this municipality currently existing, which establishes a lower standard for the promotion and the protection of the safety and health of the people, the provisions of the housing code shall prevail.

(Ord. 4232, 1-4-94; Code 1985 § 48-21)

Sec. 14-4-22 - Personal liability of city officers, agents or employees for acts—Suits to be defended by city attorney.

Except as may otherwise be provided by statute, or local law or ordinance, no officer, agent or employee of the city charged with the enforcement of the housing code shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under the housing code. No person who institutes or assists in the prosecution of a criminal proceeding under the housing code shall be liable to damage hereunder unless he or she acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the municipality as a result of any act required or permitted in the discharge of his or her duties under the housing code, shall be defended by the city attorney until the final determination of the proceedings therein.

(Ord. 4232, 1-4-94; Code 1985 § 48-22)

Sec. 14-4-23 - Enforcement—Designation of special officers.

For the purposes of Articles 1 through 7 of this chapter, the following shall apply:

- A. Authority. The director of housing and community development may designate certain employees to become special officers of the municipality for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.
- B. Definitions.
 - 1. "Citation" means any ticket issued to a person showing the offense charged and signed by the person agreeing to appear at the time and place indicated.
 - 2. "Employee" means any employee in the department of housing and code enforcement.
 - 3. "Summons" means process issued by the city courts and signed by the judge or the clerk, as provided for in Charter Section 280 of the city.
- C. Designation as Special Officer. Pursuant to TCA 7-63-201 et seq., the director of housing and community development, may designate certain employees to become special officers, for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.
- D. When Citation / Summons Deemed Lawful—Complaints. An employee designated as provided in this section is authorized to issue misdemeanor citations in lieu of arrest, for violations of the housing code and Articles 1 through 7 of this chapter. In the event the form of such citation includes information and is sworn to, it shall be deemed to be a lawful complaint for the purpose of prosecution under the section specified.
- E. Procedure Applicable.
 - 1. Every citation or summons issued shall provide for an appearance date. If any offender fails to appear, the court may take a default judgment against the defendant in favor of the city in an amount not to exceed fifty dollars (\$50.00) plus costs, for each offense, plus penalties set by the judge, as authorized in [Section 1-24-1](#) of this code.
 - 2. The summons shall be sworn to by the officer before a person designated and authorized to take oaths.
- F. Limitation of Action—When Action Deemed Commenced—Service of Summons. No action shall be commenced by the city in any court for the purpose of enforcing any violation of this chapter or section after one year from the commission of the offense.
 - 1. For the purposes of Articles 1 through 7 of this chapter, a court action shall be deemed to be commenced:
 - a. Upon the issuance of a citation to the offender;
 - b. Upon the arrest of the offender; or
 - c. Upon the issuance of a summons to the offender.
 - 2. A summons may be served by:
 - a. Personal service on the offender; or

- b. Registered or certified mail, addressee only, return receipt requested.
- G. Failure to Comply with Citation / Summons. In the event any person fails to comply with a citation given to such person or fails to make appearance pursuant to a summons directing an appearance in court or any person fails or refuses to deposit bail, as required, the clerk of the city court shall secure and issue a warrant for arrest.
- H. Police Officer's Duty. Nothing herein contained shall be construed as removal of the designated special police officers' authority under their jurisdiction, and it shall be the duty of all police officers to render any assistance necessary.

(Ord. 4412 § 1, 6-4-96; Code 1985 § 48-23)

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Article 2 - Buildings, Structures and Premises Not in Compliance with the Housing Code

[Sec. 14-4-24 - What constitutes—General powers and duties of the manager of housing code enforcement—Notice and vacation.](#)

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[Sec. 14-4-32 - Requirements for unoccupied buildings.](#)

[Sec. 14-4-33 - Appeals from orders under article.](#)

Sec. 14-4-24 - What constitutes—General powers and duties of the manager of housing code enforcement—Notice and vacation.

- A. Whenever the manager of housing and code enforcement finds that any building, structure or premises constitutes a hazard to the safety, health or welfare of the occupants or to the public or creates an unsightly condition tending to reduce the value thereof or invites plundering; or promotes urban blight and deterioration in the community because it lacks maintenance; or because the existing materials used expose the occupants to poisonous or corrosive substances; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or when the premises, including among others and not limited to, garages, sheds or other similar accessory structures and fences, are a danger to the public health, safety and welfare or when there are upon the premises vehicles not in an operable condition; or refrigerators, stoves and/or any other piece of personal property which is a danger to the public health, safety or welfare; or creates a nuisance; or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of the housing code; but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as provided in the housing code, he or she may declare such building, structure or premises as not in compliance with the housing code and order it to be repaired or removed pursuant to this article.
- B. If any building, structure or premises or any part thereof is occupied by more occupants than permitted under the housing code or was erected, altered or occupied contrary to law, such building, structure or premises shall be deemed an unlawful structure and the manager of housing and code enforcement may cause such building, structure or premises to be vacated. It is unlawful to again occupy such building, structure or premises or to permit its occupancy, as the case may be, until such has been made to conform to the law.
- C. If, at the time of inspection or at any later time, any such building, structure or premises if found to be unoccupied, it shall be the duty of the manager of housing and code enforcement to post a sign showing that this building, structure or premises shall not be occupied until repairs are made and approved.

(Ord. 4232, 1-4-94; Code 1985 § 48-31)

Sec. 14-4-25 - Notice of hearing—Generally.

Whenever a petition is filed with the manager of housing and code enforcement by an officer in charge of any department or branch of the city government, the county government, or of the state relating to health, fire, building regulations or other regulations pertaining to the use or occupancy of dwellings, buildings or premises of the city, that any dwelling, building or premises is unfit for human occupancy, as defined in [Section 14-4-24](#), or whenever it appears to the manager of housing and code enforcement, on his or her own motion that any dwelling, building or premises is unfit for human occupancy as so defined, he or she shall issue and cause to be served upon the parties listed in [Section 14-4-26](#) a notice that a hearing will be held before him or her or his or her designated agent as a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the notice and that the parties in interest as listed in [Section 14-4-26](#) may appear in person or otherwise at the time and place fixed in the notice.

(Ord. 4232, 1-4-94; Code 1985 § 48-32)

Sec. 14-4-26 - Notice of hearing—Service.

- A.** Service of the notice provided for in [Section 14-4-25](#) shall be as follows:
1. By delivery to the owner, occupant or mortgagee or lessee and any person having an interest in the premises personally or by leaving the notice at the usual place of abode of the aforementioned persons with a person of suitable age and discretion; or
 2. By depositing the notice by letter in the United States post office addressed to the aforementioned parties at their last known addresses with postage prepaid thereon.
- B.** If the manager of housing and code enforcement is unable to find the owner of such unfit dwelling or structure, or part thereof, or the agent or person in possession, charge or control thereof, upon whom such notice may be served, then the manager of housing and code enforcement shall place or cause to be placed such notice upon such building at or near its principal entrance or at some other conspicuous place on or near the building.

(Ord. 4232, 1-4-94; Code 1985 § 48-33)

Sec. 14-4-27 - Order to repair, alter, secure or demolish.

If after the hearing provided for in [Section 14-4-25](#), the manager of housing code enforcement determines that the dwelling, building or premises under consideration is unfit for human occupancy, as defined in [Section 14-4-24](#), he or she shall state in writing his or her findings of fact in support of that determination and shall issue and cause to be served upon the owner or party in interest, in the manner set forth in [Section 14-4-26](#), an order requiring him or her, to the extent and within the times specified in the order, to repair, alter, secure or demolish the dwelling, building or premises.

(Ord. 4232, 1-4-94; Code 1985 § 48-34)

Sec. 14-4-28 - Vacation of premises.

- A.** If the owner or party in interest fails to comply with the order of the manager of housing and code enforcement given pursuant to [Section 14-4-27](#), set within the time prescribed, the manager of housing and code enforcement shall cause such dwelling, building or premises to be vacated and close the same and give the owner or parties in interest notice of such order in the manner prescribed in [Section 14-4-26](#)
- B.** Any dwelling, multifamily dwelling, building or premises declared unfit for human occupancy and ordered to be vacated pursuant to this section shall be posted with a placard by the manager of housing and code enforcement. The placard shall include the following:
1. Name of city;
 2. The name of the authorized department having jurisdiction;
 3. The chapter and section of the code under which it is issued;
 4. An order that the dwelling, multifamily dwelling, building or premises vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
 5. The date that the placard is posted;
 6. A statement of the penalty for defacing or removal of the placard.

(Ord. 4232, 1-4-94; Code 1985 § 48-35)

Sec. 14-4-29 - Defacing or removing placards or notices posted under article.

No person shall deface or remove any placard or notice placed on any dwelling, multifamily dwelling, building or premises pursuant to this article, except by authority from the manager of housing and code enforcement.

(Ord. 4232, 1-4-94; Code 1985 § 48-36)

Sec. 14-4-30 - Renting or occupying unfit dwelling.

No person shall knowingly rent, lease or occupy or permit any person to rent or occupy any dwelling, building or premises found unfit for human occupancy or detrimental to the public health, safety and welfare under the provisions of this article.

(Ord. 4232, 1-4-94; Code 1985 § 48-37)

Sec. 14-4-31 - Failure to remove personal property.

It is unlawful for any owner of personal property to fail or refuse to comply with the orders of the manager of housing and code enforcement to remove from the premises abandoned vehicles, appliances, vehicle parts and/or any other piece or pieces of personal property if such personal property is dangerous to the public health, safety or welfare; or creates an unsightly condition upon such property tending to reduce the value thereof; or is a nuisance; or invites plundering; or promotes urban blight and deterioration in the community; or creates a fire hazard; or violates the zoning regulations of the city.

(Ord. 4232, 1-4-94; Code 1985 § 48-38)

Sec. 14-4-32 - Requirements for unoccupied buildings.

- A. An unoccupied building or structure which is unsafe, or unfit for human habitation or other authorized use or which does not conform with the provisions of this code is a vacant building.
- B. A determination of vacancy and a determination of noncompliance with a notice or order issued under this section may be based on observation that a building or structure is open to casual entry; or a building or structure has boarded windows or doors; or a building lacks intact window sashes, walls or roof surfaces to repel weather entry.
- C. Every such vacant building or structure is declared to be a fire hazard; is a danger to the public health, safety or welfare; invites plundering; constitutes a nuisance; and promotes urban blight and deterioration in the community.
- D. All vacant buildings or structures shall be safeguarded by removing all litter, trash, accumulations of flammable or combustible waste or rubbish and all other debris. All windows, doors and other openings shall be closed and securely locked, barricaded or otherwise secured. All windows, doors and other openings within twenty (20) feet of the ground or readily accessible shall be further protected by boarding up with substantial material approved by the manager of housing and code enforcement.
- E. While the building or structure remains vacant, it shall be kept boarded and secured; and the premises shall be kept free of all litter, trash, garbage, rubbish, all other debris and excessive weeds and grass at all times.
- F. Such boarding and cleaning shall not relieve any owner or party in interest of responsibility to repair and maintain the property in conformity with provisions of this code.

(Ord. 4232, 1-4-94; Code 1985 § 48-39)

Sec. 14-4-33 - Appeals from orders under article.

Any person affected adversely by an order or ruling of the manager of housing and code enforcement or the director of public service and neighborhoods or his or her designee on matters pertaining to the enforcement of this article, and who takes exception to such order or ruling and desires a further adjudication of the matter, may appeal to a court of competent jurisdiction.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-40)

**Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Article 3 - Dangerous Structures >>**

Article 3 - Dangerous Structures

[Sec. 14-4-34 - Dangerous structures defined.](#)

[Sec. 14-4-35 - Declared a public nuisance.](#)

[Sec. 14-4-36 - Closing of adjacent streets and sidewalks.](#)

[Sec. 14-4-37 - Standards for ordering repair, vacation or demolition.](#)

[Sec. 14-4-38 - Notice to correct conditions.](#)

[Sec. 14-4-39 - Condemnation generally.](#)

[Sec. 14-4-40 - Execution of condemnation order.](#)

[Sec. 14-4-41 - Failure to comply with order.](#)

[Sec. 14-4-42 - Repair, vacation or demolition by city.](#)

[Sec. 14-4-43 - Emergency authority of the director of public service and neighborhoods.](#)

Sec. 14-4-34 - Dangerous structures defined.

All buildings or structures, including among others, garages, sheds, fences and similar accessory structures, which have any or all of the following defects shall be deemed "dangerous structures" and are defined as but not limited to the following:

- A. Those which by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are unsafe, unsanitary or which constitute a fire hazard;
- B. Those whose exterior walls lean or buckle to such an extent that excessive bond or anchorage stresses are created;
- C. Those whose foundation members, including joists, sills, piers, rafters, studs and footings, are damaged, deteriorated, missing and are not capable of bearing imposed loads safely;
- D. Those which, by damage or deterioration of the nonsupporting outside walls or covering, including the roof and floors, are dangerous to the occupant or are detrimental to public safety and welfare;
- E. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, morals or the general health and welfare of the occupants or the people of the city;
- F. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- G. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human occupancy or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- H. Those which have parts thereof which are so attached or connected that they may fall or separate and injure occupants or members of the public or may damage property;
- I. Those with roof covering, which leak to such an extent as to cause plaster to fall, or which repeatedly with every rainfall, saturate the chattels or the occupant or the supporting members of the roof, or the electric wiring or fixtures so as to render them unsafe;
- J. Those having inadequate facilities for egress in case of fire or panic;
- K. Those having light, air, ventilation and sanitation facilities, which are inadequate to protect the health, safety or general welfare of human beings, who live or may live therein.

(Ord. 4232, 1-4-94; Code 1985 § 48-51)

Sec. 14-4-35 - Declared a public nuisance.

All dangerous structures within the terms of [Section 14-4-34](#) are declared to be a public nuisance and shall be condemned and vacated, repaired or demolished, as provided in this article.

(Ord. 4232, 1-4-94; Code 1985 § 48-52)

Sec. 14-4-36 - Closing of adjacent streets and sidewalks.

The manager of housing and code enforcement may, when necessary for the public safety, temporarily close the sidewalks and streets adjacent to a dangerous structure or part thereof and prohibit the same from being used and the police and fire departments when called upon by the manager of housing and code enforcement to cooperate, shall enforce such orders or requirements.

(Ord. 4232, 1-4-94; Code 1985 § 48-53)

Sec. 14-4-37 - Standards for ordering repair, vacation or demolition.

The following standards shall be followed in substance by the manager of housing and code enforcement in ordering repair, vacation or demolition of dangerous structures under this article:

- A. Repairs.**
 - 1.** If an existing building is damaged by fire or otherwise in excess of fifty (50) percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the building code of the applicable governing body for new buildings.
 - 2.** If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in subsection (A)(1) of this section is more than twenty-five (25) percent but not more than fifty (50) percent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code of the applicable governing body for new buildings to such extent as the building official may determine.
 - 3.** Repairs and alterations, not covered by the preceding subdivisions of this subsection, restoring a building to its condition prior to damage or deterioration, or altering it in conformity with the provisions of the building code of the applicable governing body or in such manners as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- B. Vacation.** If the dangerous structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated pending condemnation proceedings.
- C. Demolition.** In any case where a dangerous structure is fifty (50) percent damaged, decayed or deteriorated compared to its replacement value or its physical structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of the housing code, it shall be demolished. In all cases where a dangerous structure is a fire hazard existing or erected in violation of the terms of the housing code or any ordinance of the city, it shall be demolished.

(Ord. 4232, 1-4-94; Code 1985 § 48-54)

Sec. 14-4-38 - Notice to correct conditions.

Whenever the manager of housing and code enforcement has declared a building or structure to be dangerous under the provisions of this article, he or she shall give notice to the owner, occupant, mortgagee, lessee or any other person found to have an interest in the dangerous building or structure and placard the building or structure as dangerous such notice shall:

- A.** Be in writing and shall be delivered to an owner, occupant or mortgagee or lessee or any other person having an interest in the premises; or by leaving the notice at the usual place of abode of the aforementioned persons with a person of suitable age and discretion; or by depositing the notice by letter in the United States post office addressed to the aforementioned parties at their last known addresses with postage prepaid thereon;
- B.** Include a description of the real estate sufficient for identification;
- C.** Include a statement of the reason or reasons why it is being issued;
- D.** State the time to correct the condition which shall not exceed thirty (30) days from the date of the notice;
- E.** State the time the occupants must vacate the dwelling units.

(Ord. 4232, 1-4-94; Code 1985 § 48-55)

Sec. 14-4-39 - Condemnation generally.

- A.** Upon receipt of a report from the manager of housing and code enforcement of a dangerous structure as defined in [Section 14-4-34](#) and a report that the time given the owners to repair such structures has passed, the director of the division of public service and neighborhoods or his or her designee shall grant a hearing of such report as soon as practicable and hear any testimony the owner or any interested person may wish to offer in rebuttal.
- B.** As soon as the date is set for a hearing, the director of public service and neighborhoods shall cause a notice to be sent to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dangerous structure notifying them of the date and time of such meeting, at which they will be granted an opportunity, if they so desire, to show cause why such dangerous structure should not be condemned as requested by the manager of housing and code enforcement.

- C. At such hearing the director of public service and neighborhoods or his or her designee shall hear such testimony as the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dangerous structure shall offer, if they so desire and review the facts as to whether or not the structure in question is a dangerous structure within the terms of [Section 14-4-34](#).
- D. At such hearing the director of public service and neighborhoods or his or her designee shall make written finding of facts as to whether or not the structure in question is a dangerous structure within the terms of [Section 14-4-34](#). If the director shall find that the facts justify the report, the report shall be confirmed and the director shall cause an order to be issued commanding the owner, occupant, mortgagee, lessee or any other person found to have an interest in the structure to vacate and repair or demolish same, as the order may require, within the time allocated for such order to be executed and condemning the structure for further use contrary to such order.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-56)

Sec. 14-4-40 - Execution of condemnation order.

The manager of housing and code enforcement shall be given a copy of the action by the director of public service and neighborhoods under [Section 14-4-39](#) and shall execute the order of condemnation in the following manner:

- A. He shall send a written notice of the order of condemnation by registered mail to the owner, occupant, mortgagee, lessee and any person found to have an interest in the dangerous structure.
- B. The manager of housing and code enforcement shall also post a supplementary notice affixed to the original placard posted on the dangerous structure in conformity with [Section 14-4-38](#). Such notice shall be a white card with red lettering stating in substance that the order to which it refers was confirmed and the building was condemned by the city, stating the date thereof and the time granted in which to execute such final order and that if such order is not carried out within the allotted time, the manager of housing and code enforcement will proceed to take such action as is necessary to carry out the order and have any expense charged against the property as provided in [Section 14-4-42](#).

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-57)

Sec. 14-4-41 - Failure to comply with order.

If an owner, occupant, mortgagee, lessee or other person having an interest in any property or structure, upon whom notice is provided for in the housing code, has been served, shall fail, neglect or refuse to comply with an order issued pursuant to the housing code, the owner, occupant, mortgagee, lessee or other person, shall be summons to the appropriate court to show why the order has not been complied with.

(Ord. 4232, 1-4-94; Code 1985 § 48-58)

Sec. 14-4-42 - Repair, vacation or demolition by city.

- A. If the owner, occupant, mortgagee, lessee and other person having an interest in a dangerous structure, when notified, shall fail, neglect or refuse to comply with the orders of the manager of housing and code enforcement within the time specified in such notice, it shall be the duty of the manager of housing and code enforcement to proceed forthwith to do or cause to be done, any and all work necessary to place such building, structure or part thereof, in a safe condition or to vacate, or demolish the same as the case may be, according to the order given.
- B. If the work of placing any building, structure or part thereof, in a safe condition shall devolve upon the manager of housing and code enforcement and it shall appear that such building, structure or part thereof is in such condition as not to warrant the expenditure thereon of a sufficient sum of money to make repairs or to do such work as is necessary to put it in a safe condition, the manager of housing and code enforcement shall have the authority to demolish such building, structure or part thereof.
- C. If in the discharge of his or her duties, it becomes necessary for the manager of housing and code enforcement to cause a dangerous structure to be repaired, vacated or demolished, he or she shall with the assistance of the city attorney, cause the cost of such repair, vacation or demolition to be charged against the land as a lien on which such building or structure existed and that shall be assessed and collected as the city attorney shall determine. The manager of housing and code enforcement shall report to the city treasurer the cost of all such expenses.
- D. If, in the discharge of his or her duties as provided in this section, it becomes necessary for the manager of housing and code enforcement to remove personal property from the premises, as defined in [Section 14-4-24](#), such personal property shall be stored by the city and reasonable storage charges charged against the property. When the storage charges equal the fair cash market value of the personal property, the property may be sold to the highest bidder at a public sale giving notice of the

time, date and place of such sale to the owner of the property by posting notice on the premises and sending a registered letter to the last known address of the owner at least five days in advance of the sale, if the owner's address is known. The money received from such sale shall go to the, city to compensate it for the reasonable storage charges.

- E.** As an alternative to subsection C of this section, the uncollected cost for repairing, vacating or demolishing a dangerous structure for the current year may be certified to the city treasurer. It shall then be the duty of the city treasurer to place the amount so certified on the bill for the city taxes assessed against the property on which such dangerous structure was located. It shall be the duty of the city treasurer to collect as a special tax the amount so certified which is declared to be a special tax on the property. This special tax may be collected in the same manner as other general taxes are collected by the city.

(Ord. 4232, 1-4-94; Code 1985 § 48-59)

Sec. 14-4-43 - Emergency authority of the director of public service and neighborhoods.

- A.** In case there shall be, in the opinion of the director of public service and neighborhoods, actual and immediate danger of the falling of any building, or part thereof, so as to endanger life or property, the housing director shall cause the necessary work to be done to render such building or part thereof, temporarily safe until the proper proceedings can be taken under this article as in the case of dangerous structure.
- B.** The director of public service and neighborhoods is authorized and empowered in the case of a dangerous structure or where any, building or part thereof, has fallen and life is endangered by the occupation thereof, to order and require the inmates and occupants of such building or part thereof, to vacate the same forthwith.

(Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-60)

Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >> Chapter 14-4 - HOUSING CODE >> Article 4 - Environmental Requirements >>

Article 4 - Environmental Requirements

Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >> Chapter 14-4 - HOUSING CODE >> Division 1 - General Provisions >>

Division 1 - General Provisions

[Sec. 14-4-44 - Applicability.](#)

Sec. 14-4-44 - Applicability.

The provisions of this article shall govern the minimum conditions of property and building to be used for human occupancy. Every building or structure occupied by humans and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply hereto.

(Ord. 4232, 1-4-94; Code 1985 § 48-76)

Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >> Chapter 14-4 - HOUSING CODE >> Division 2 - Exterior Property Areas >>

Division 2 - Exterior Property Areas

- [Sec. 14-4-45 - Compliance with division.](#)
- [Sec. 14-4-46 - To be maintained in clean and sanitary condition.](#)
- [Sec. 14-4-47 - Accumulations of stagnant water—Erosion.](#)
- [Sec. 14-4-48 - Excessive weeds and grass, trees and shrubs.](#)
- [Sec. 14-4-49 - Extermination of insects and rodents.](#)
- [Sec. 14-4-50 - Exterior surfaces.](#)
- [Sec. 14-4-51 - Stairs, porches, walks and parking areas.](#)
- [Sec. 14-4-52 - Windows, doors and hatchways generally.](#)
- [Sec. 14-4-53 - Guards and screens for windows and doors.](#)
- [Sec. 14-4-54 - Maintenance of accessory structures.](#)

Sec. 14-4-45 - Compliance with division.

No person shall occupy, as owner-occupant or let to another for occupancy and building, structure or premises or portion thereof, for the purpose of living therein, which does not comply with the requirements of this code. The manager of housing and code enforcement shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

(Ord. 4232, 1-4-94; Code 1985 § 48-86)

Sec. 14-4-46 - To be maintained in clean and sanitary condition.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

(Ord. 4232, 1-4-94; Code 1985 § 48-87)

Sec. 14-4-47 - Accumulations of stagnant water—Erosion.

- A. All premises shall be maintained so as to prevent the accumulation of stagnant water thereon or within any building, structure or swimming pool located thereon.
- B. All premises shall be graded and maintained so as to prevent soil erosion which may damage the buildings, structures or premises.

(Ord. 4232, 1-4-94; Code 1985 § 48-88)

Sec. 14-4-48 - Excessive weeds and grass, trees and shrubs.

- A. All exterior property areas shall be kept free of excessive weeds and grass.
- B. Small tracts of land, whether improved or unimproved, within the city, shall be kept cut, clipped or controlled through chemical means as frequently as necessary to insure that weeds, rank grass and noxious growths do not exceed a height of twelve (12) inches.
"Small tracts" mean building lawns, sidewalk neutral strips, walkways, gardens, decorative landscaped areas and unimproved lots of two acres or less.
- C. Grass walkways abutting the city streets shall be kept mowed to a height not exceeding six inches.
- D. Large tracts shall be cut, clipped or controlled through chemical means at least twice each season, with cuttings or at least three months apart during the growing season. Cuttings or clippings shall be to a height not exceeding twelve (12) inches.
- E. "Large tracts" mean unimproved property of a size of two acres in area or larger, except that if large tract are adjacent to improved residential property, they shall be kept clipped to the same standards as small tracts within one hundred thirty (130) feet of such improved residential property.
- F. Any tract maintained in a natural state or as a wilderness area may be exempt from cutting except for the requirements of the provisions hereinabove.
- G. All trees and shrubs shall be maintained so as not to imperil public health or safety or cause damage to any structure, premises or utility services.

(Ord. 4232, 1-4-94; Code 1985 § 48-89)

Sec. 14-4-49 - Extermination of insects and rodents.

Every owner of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other, than a single-family dwelling, extermination shall be the responsibility of the owner.

(Ord. 4232, 1-4-94; Code 1985 § 48-90)

Sec. 14-4-50 - Exterior surfaces.

- A. Generally. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other vermin.
- B. Foundations. The foundation elements shall adequately support the building at all points.
- C. Walls—Wood Surfaces. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior wood surfaces, other than decay-resistant wood, but not limited to walls, shall be made impervious to adverse effects of weather by periodic application of paint or a similar protective coating and shall be maintained in a good state of repair. All new exterior wood surfaces, other than decay resistant wood, shall be protected from the elements and decay by painting or other protective covering or treatment. All exterior surfaces shall be kept free of defects including scaling, peeling and loose paint. All lead hazards shall be abated by employing the use of nationally accepted standards and techniques and in compliance with all applicable laws and ordinances. The use of lead based paint is specifically prohibited.
- D. Roofs. The roof shall be structurally sound, with and have no defects which might admit rain and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portions of the building. The placing of new roofing conforming to this section over existing combustible roofing shall not be prohibited, provided that the roofing is of a material which can be firmly and securely attached to form a weathertight covering and provided the existing roof structure is adequate to carry the additional load.

(Ord. 4232, 1-4-94; Code 1985 § 48-91)

Sec. 14-4-51 - Stairs, porches, walks and parking areas.

- A. Stairs and other exit facilities shall be adequate for safety as provided in the building code and shall comply with the following subsections of this section.
- B. Every outside stair, every porch, every walkway, every driveway and every appurtenance attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair.
- C. All walkways, driveways and parking areas for multifamily dwellings shall be kept in sound condition and good repair.
- D. Where the manager of housing and code enforcement deems it necessary for safety, every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the building code and every porch which is more than three risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(Ord. 4232, 1-4-94; Code 1985 § 48-92)

Sec. 14-4-52 - Windows, doors and hatchways generally.

- A. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
- B. Every window sash shall be fully supplied with glass window panes or an approved substitute.
- C. Every window sash shall be in good condition and fit reasonably tight within its frame.
- D. Every window, other than a fixed window, shall be capable of being easily opened.
- E. Every exterior door shall be equipped with hinges and door latch and shall be maintained in good condition.
- F. Every exterior door, when closed, shall fit reasonably well within its frame.
- G. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or multifamily dwelling.
- H. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multifamily dwelling.
- I.

Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

(Ord. 4232, 1-4-94; Code 1985 § 48-93)

Sec. 14-4-53 - Guards and screens for windows and doors.

Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

- A. Every basement or cellar window which is openable shall be supplied with corrosion resistant rodent-proof shields, screens or with other material affording equivalent protection against the entry of rodents, including storm windows.
- B. With the exception of when the structure is air conditioned, every door opening directly from any dwelling or multifamily dwelling to the outdoors and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door, except a sliding screen door, shall have a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

(Ord. 4232, 1-4-94; Code 1985 § 48-94)

Sec. 14-4-54 - Maintenance of accessory structures.

All accessory structures, including detached garages and fences, shall be maintained structurally sound and in good repair.

(Ord. 4232, 1-4-94; Code 1985 § 48-95)

**Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Division 3 - Interior Structures >>**

Division 3 - Interior Structures

[Sec. 14-4-55 - Compliance with division.](#)

[Sec. 14-4-56 - General maintenance requirements—Storage of refuse.](#)

[Sec. 14-4-57 - Cellars, basements and crawl spaces to be kept dry.](#)

[Sec. 14-4-58 - Extermination of insects and rodents.](#)

[Sec. 14-4-59 - Soundness of supporting structural members.](#)

[Sec. 14-4-60 - Walls, ceilings and floor generally.](#)

[Sec. 14-4-61 - Bathroom and kitchen floors.](#)

[Sec. 14-4-62 - Stairs.](#)

Sec. 14-4-55 - Compliance with division.

No person shall occupy as owner-occupant or let to another for occupancy any building, structure or premises or portion thereof, for the purpose of living therein, which does not comply with the requirements of this division.

(Ord. 4232, 1-4-94; Code 1985 § 48-106)

Sec. 14-4-56 - General maintenance requirements—Storage of refuse.

The interior of every building or structure used for human occupancy shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, odor causing waste and other refuse shall be properly kept inside temporary storage facilities as required.

(Ord. 4232, 1-4-94; Code 1985 § 48-107)

Sec. 14-4-57 - Cellars, basements and crawl spaces to be kept dry.

In every building or structure to include cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.

(Ord. 4232, 1-4-94; Code 1985 § 48-108)

Sec. 14-4-58 - Extermination of insects and rodents.

- A.** All buildings, structures and premises shall be kept free from insect and rodent infestation and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- B.** Every owner of a dwelling or multifamily dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests in the shared or public parts of the structure.
- C.** The occupant of a single-family dwelling unit shall be responsible for such extermination, excluding termites, within the unit occupied by the occupant. However, the owner shall be responsible for such extermination within each unit of a multifamily dwelling.
- D.** Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multifamily dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(Ord. 4232, 1-4-94; Code 1985 § 48-109)

Sec. 14-4-59 - Soundness of supporting structural members.

The supporting structural members of every building or structure shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

(Ord. 4232, 1-4-94; Code 1985 § 48-110)

Sec. 14-4-60 - Walls, ceilings and floor generally.

- A.** Interior walls, ceilings and floors shall be repaired maintained in a safe condition.
- B.** Walls, ceilings, doors and door frames, window frames and facings, wood trim and built-in cabinets shall be kept smooth and free of defects including scaling, peeling and loose paint and falling plaster or other coverings. All lead hazards shall be abated by employing the use of nationally accepted standards and techniques and in compliance with all applicable laws and ordinances. All surfaces shall be decorated, and/or redecorated, as necessary to maintain a clean, hazard free and sanitary condition. The use of lead based paint is specifically prohibited.
- C.** Floor surfaces shall be kept free of breaks and defects which by their presence might cause injury to the occupants. All floors shall be reasonably level and adequately supported.

(Ord. 4232, 1-4-94; Code 1985 § 48-111)

Sec. 14-4-61 - Bathroom and kitchen floors.

Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. 4232, 1-4-94; Code 1985 § 48-112)

Sec. 14-4-62 - Stairs.

- A.** Stairs shall be provided in every building and structure as required by the building code.
- B.** All interior stairs of every structure used for human occupancy shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.

(Ord. 4232, 1-4-94; Code 1985 § 48-113)

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Chapter 14-4 - HOUSING CODE >> Article 5 - Basic Facilities >>

Article 5 - Basic Facilities

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Chapter 14-4 - HOUSING CODE >> Division 1 - Required Facilities >>

Division 1 - Required Facilities

[Sec. 14-4-63 - Compliance with division.](#)

[Sec. 14-4-64 - Sanitary facilities.](#)

[Sec. 14-4-65 - Water and sewer system.](#)

[Sec. 14-4-66 - Water heating facilities.](#)

[Sec. 14-4-67 - Heating and air conditioning facilities.](#)

[Sec. 14-4-68 - Rubbish containers.](#)

[Sec. 14-4-69 - Garbage cans.](#)

Sec. 14-4-63 - Compliance with division.

No person shall occupy as owner-occupant or let to another for occupancy, any building, structure or premises for the purpose of living, sleeping cooking or eating therein which does not comply with the requirements of this division.

(Ord. 4232, 1-4-94; Code 1985 § 48-126)

Sec. 14-4-64 - Sanitary facilities.

- A. Generally. The minimum sanitary facilities specified in this section shall be supplied and maintained in sanitary and safe working condition.
- B. Water Closet. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet. Entry to such room shall be from within the unit only.
- C. Lavatory. Every dwelling unit shall contain a lavatory, which shall be in close proximity to the water closet.
- D. Bathtub or Shower. Every dwelling unit shall contain a which affords privacy to a person in the room and which is equipped with a bathtub or shower.
- E. Kitchen Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required by subsection C of this section.

(Ord. 4232, 1-4-94; Code 1985 § 48-127)

Sec. 14-4-65 - Water and sewer system.

Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of [Section 14-4-64](#) shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(Ord. 4232, 1-4-94; Code 1985 § 48-128)

Sec. 14-4-66 - Water heating facilities.

- A. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water under [Section 14-4-65](#). Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen

sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than on hundred thirty (130) degrees Fahrenheit at any time needed.

- B.** Every water heating facility shall be installed and shall operate in accordance with the requirements of the building code on the air pollution control ordinances of the city.

(Ord. 4232, 1-4-94; Code 1985 § 48-129)

Sec. 14-4-67 - Heating and air conditioning facilities.

- A.** Every dwelling and multifamily dwelling shall have provisions for heating facilities. The owner of the heating facilities shall be required to see that they are properly installed, safely maintained, in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein.
- B.** Every heating facility shall be installed and shall operate in accordance with the requirements, of the building code and the air pollution control ordinances of the city.
- C.** When air conditioning facilities are provided, the owner of the air conditioning facilities shall be required to see that they are properly installed, safely maintained and in good working condition.

(Ord. 4232, 1-4-94; Code 1985 § 48-130)

Sec. 14-4-68 - Rubbish containers.

Every dwelling, multifamily dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish and the owner, occupant or agent in control of such dwelling or multifamily dwelling shall be responsible for the removal of such rubbish.

(Ord. 4232, 1-4-94; Code 1985 § 48-131)

Sec. 14-4-69 - Garbage cans.

It shall be the duty of every owner, lessor, agent or property manager of any multiple dwelling, and it shall be the duty of every occupant of a single or double dwelling in the city, to provide adequate garbage receptacles as may be approved by the division of sanitation.

(Ord. 4232, 1-4-94; Code 1985 § 48-132)

**Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Division 2 - Installation and Maintenance Requirements >>**

Division 2 - Installation and Maintenance Requirements

[Sec. 14-4-70 - Compliance with division.](#)

[Sec. 14-4-71 - General requirements.](#)

[Sec. 14-4-72 - Plumbing.](#)

[Sec. 14-4-73 - Space heating, cooking and water heating devices.](#)

[Sec. 14-4-74 - Electrical outlets and fixtures.](#)

Sec. 14-4-70 - Compliance with division.

No person shall occupy as owner-occupant, or let to another for occupancy, any building, structure or premises for the purpose of living, cooking or eating therein which does not comply with the requirements of this division.

(Ord. 4232, 1-4-94; Code 1985 § 48-146)

Sec. 14-4-71 - General requirements.

- A.** All required equipment and all building space and parts in every dwelling and multifamily dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.
- B.**

All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(Ord. 4232, 1-4-94; Code 1985 § 48-147)

Sec. 14-4-72 - Plumbing.

- A. In buildings and structures used for human occupancy, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the city.
- B. In buildings and structures used for human occupancy, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the city.

(Ord. 4232, 1-4-94; Code 1985 § 48-148)

Sec. 14-4-73 - Space heating, cooking and water heating devices.

Every space heating, cooking and water heating device located in a dwelling or multifamily dwelling shall be properly installed, connected and maintained and shall be capable of performing the functions for which it was designed in accordance with applicable provisions of the housing code.

(Ord. 4232, 1-4-94; Code 1985 § 48-149)

Sec. 14-4-74 - Electrical outlets and fixtures.

- A. Every electrical outlet and fixture required by Article 4 of this chapter shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the building code or electrical code of the city.
- B. Where it is found, in the opinion of the manager, of housing and code enforcement that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he or she shall refer the defects to the proper electrical official.

(Ord. 4232, 1-4-94; Code 1985 § 48-150)

**Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Article 6 - Light and Ventilation >>**

Article 6 - Light and Ventilation

[Sec. 14-4-75 - Compliance with article.](#)

[Sec. 14-4-76 - Natural light in habitable rooms.](#)

[Sec. 14-4-77 - Light in nonhabitable work spaces.](#)

[Sec. 14-4-78 - Light in public halls and stairways.](#)

[Sec. 14-4-79 - Electric outlets required.](#)

[Sec. 14-4-80 - Ventilation generally.](#)

[Sec. 14-4-81 - Light and ventilation in bathrooms and water closet compartments.](#)

Sec. 14-4-75 - Compliance with article.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multifamily dwelling, dwelling unit, rooming house or rooming unit for the purpose of living therein which does not comply with the requirements of this article.

(Ord. 4232, 1-4-94; Code 1985 § 48-166)

Sec. 14-4-76 - Natural light in habitable rooms.

Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor, area of such room, except kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window or any room and, such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(Ord. 4232, 1-4-94; Code 1985 § 48-167)

Sec. 14-4-77 - Light in nonhabitable work spaces.

Every laundry, furnace room and all similar nonhabitable work spaces located in a dwelling or multifamily dwelling shall have one supplied electric light fixture available at all times.

(Ord. 4232, 1-4-94; Code 1985 § 48-168)

Sec. 14-4-78 - Light in public halls and stairways.

Every public hall and inside stairway in every multifamily dwelling shall be adequately lighted at all times.

(Ord. 4232, 1-4-94; Code 1985 § 48-169)

Sec. 14-4-79 - Electric outlets required.

Where there is electric service available to the building or structure, every habitable room of a dwelling or multifamily dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In kitchen three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(Ord. 4232, 1-4-94; Code 1985 § 48-170)

Sec. 14-4-80 - Ventilation generally.

Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required by [Section 14-4-76](#), except where mechanical ventilation is provided in accordance with the provisions of the building code.

(Ord. 4232, 1-4-94; Code 1985 § 48-171)

Sec. 14-4-81 - Light and ventilation in bathrooms and water closet compartments.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by this article, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(Ord. 4232, 1-4-94; Code 1985 § 48-172)

**Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Article 7 - Space and Occupancy Requirements >>**

Article 7 - Space and Occupancy Requirements

[Sec. 14-4-82 - Compliance with article.](#)

[Sec. 14-4-83 - Minimum ceiling heights.](#)

Sec. 14-4-84 - Minimum floor area—Generally.

Sec. 14-4-85 - Minimum floor area—For sleeping rooms.

Sec. 14-4-86 - Bathroom or water closet compartment not to open into or be used in conjunction with room used for public purposes.

Sec. 14-4-87 - Occupancy of dwelling unit below grade.

Sec. 14-4-82 - Compliance with article.

No person shall occupy or let to another for occupancy, any building structure or premises for the purpose of living therein which does not comply with the requirements of this article.

(Ord. 4232, 1-4-94; Code 1985 § 48-186)

Sec. 14-4-83 - Minimum ceiling heights.

Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven and one-third feet, except that in attics or top half-stories the ceiling height shall be not less than seven feet over not less than one-third of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

(Ord. 4232, 1-4-94; Code 1985 § 48-187)

Sec. 14-4-84 - Minimum floor area—Generally.

Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(Ord. 4232, 1-4-94; Code 1985 § 48-188)

Sec. 14-4-85 - Minimum floor area—For sleeping rooms.

Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

(Ord. 4232, 1-4-94; Code 1985 § 48-189)

Sec. 14-4-86 - Bathroom or water closet compartment not to open into or be used in conjunction with room used for public purposes.

No bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.

(Ord. 4232, 1-4-94; Code 1985 § 48-190)

Sec. 14-4-87 - Occupancy of dwelling unit below grade.

No dwelling unit partially below grade shall be used for living purposes unless:

- A. Floors and wall are watertight;
- B. Total window area, total openable area and ceiling height are in accordance with the housing code; and
- C. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

(Ord. 4232, 1-4-94; Code 1985 § 48-191)

Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Article 8 - Fire Safety Requirements >>

Article 8 - Fire Safety Requirements

[Sec. 14-4-88 - Generally.](#)

[Sec. 14-4-89 - Dwelling unit prohibited where flammable liquids are handled, dispensed or stored.](#)

[Sec. 14-4-90 - Cooking and heating equipment.](#)

Sec. 14-4-88 - Generally.

- A.** No person shall occupy as owner-occupant, or shall let another for occupancy, any dwelling, multifamily dwelling, dwelling unit, rooming house unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention code or the building code and other ordinances of the city and the additional requirements set out in this article for safety from fire.
- B.** Smoke detectors shall be installed in all residential properties in accordance with National Fire Protection Association Standard No. 74, 1989 Edition and shall be maintained in an operable condition.

(Ord. 4232, 1-4-94; Code 1985 § 48-206)

Sec. 14-4-89 - Dwelling unit prohibited where flammable liquids are handled, dispensed or stored.

No dwelling, multifamily dwelling, dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids.

(Ord. 4232, 1-4-94; Code 1985 § 48-207)

Sec. 14-4-90 - Cooking and heating equipment.

All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code or other laws or ordinances of the city applicable thereto. Portable cooking and heating equipment flame is prohibited.

(Ord. 4232, 1-4-94; Code 1985 § 48-208)

Memphis, Tennessee, Code of Ordinances >> Title 14 - BUILDINGS AND CONSTRUCTION >>
Chapter 14-4 - HOUSING CODE >> Article 9 - Abandoned, Junked or Wrecked Vehicles and Parking Vehicles >>

Article 9 - Abandoned, Junked or Wrecked Vehicles and Parking Vehicles

[Sec. 14-4-91 - Declared a public nuisance.](#)

[Sec. 14-4-92 - Parking and storage of vehicles.](#)

[Sec. 14-4-93 - Notice to remove or correct condition.](#)

[Sec. 14-4-94 - Failure to comply.](#)

[Sec. 14-4-95 - Abatement and removal by city.](#)

[Sec. 14-4-96 - Title search.](#)

[Sec. 14-4-97 - Sale at public auction.](#)

[Sec. 14-4-98 - Return of vehicle to owner.](#)

[Sec. 14-4-99 - Storage and sale of valuable property found in abandoned vehicles.](#)

Sec. 14-4-91 - Declared a public nuisance.

The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles on public and private property is found to create an unsightly condition upon such property tending to reduce the value thereof, to invite plundering, to create fire hazards and to constitute a nuisance. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required yard areas of residential property; and that such wrecked, junked, abandoned or partially dismantled or inoperable motor vehicles are in the nature of rubbish, litter and unsightly debris. Therefore the accumulation and storage of such vehicles on public and private property, except as expressly hereinafter permitted, is declared to constitute a nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided by law.

(Ord. 4232, 1-4-94; Code 1985 § 48-210)

Sec. 14-4-92 - Parking and storage of vehicles.

- A.** No person shall park, store or leave or permit the parking, storing or leaving of any vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition upon any property within the city for a period in excess often (10) days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on such property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.
- B.** No person shall park or store or permit the parking or storing of more than one boat and boat trailer, and no more than one camping trailer or recreational vehicle per dwelling unit. No part of such parking or storage area shall be located in a front yard. Such boat and camping trailer or recreational vehicle shall not be used for living, sleeping or housekeeping purposes.
- C.** All vehicles parked or stored in single-family residential, duplex or multifamily zoning districts shall be parked or stored on asphalt, concrete or other hard surface dustless materials as approved by the city or completely enclosed within a building.
- D.** It is unlawful for any person to park or store any motorized vehicle or equipment, such as, but not limited to campers, trailers, boats or other recreational type equipment, on any residential street in the city.
- E.** In single-family residential and duplex zoning districts, the number of vehicles parked or stored at a dwelling unit shall not exceed four in number for more than a ten (10) day period unless they are completely enclosed within a building.

(Ord. 4232, 1-4-94; Code 1985 § 48-211)

Sec. 14-4-93 - Notice to remove or correct condition.

Whenever it shall appear that a violation of the provisions of this article exist, the manager of housing code enforcement shall give or cause to be given, notice to the registered owner of any vehicle which is in violation of this article, and he or she shall give such notice to the owner or person in lawful possession or control of the property upon which such vehicle is located, advising that such vehicle violates the provisions of this article and directing that such vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of such notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting such notice upon the premises. In the case of publicly owned property, notice to the owner of the property where the vehicle is found is dispensed with.

At such time the owner is notified to move the vehicle to a lawful place of storage, the division of police services shall be notified of such fact and the make, model, license number and vehicle identification number of the vehicle, provided such license number and/or vehicle identification number is visible. When so notified, the division of police services shall make or cause to be made, a title search on the abandoned vehicle and after the title search has been completed by the division, the results thereof shall be transmitted to the manager of housing and code enforcement. The manager or his or her designee shall then notify the owner as reported by the division of police services that the vehicle will be towed by the city if it is not moved to a place of lawful storage in ten (10) days from the date of the notice. Such notice shall be sent by registered or certified mail.

(Ord. 4232, 1-4-94; Code 1985 § 48-212)

Sec. 14-4-94 - Failure to comply.

The owner of any vehicle who fails, neglects or refuses to remove such vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of [Section 14-4-93](#) shall be in violation of the municipal code of the city, and subject to penalties as provided by law.

(Ord. 4232, 1-4-94; Code 1985 § 48-213)

Sec. 14-4-95 - Abatement and removal by city.

If such vehicle is not disposed of after the time provided for in the notice provided for in [Section 14-4-93](#), the manager of housing code enforcement or his or her designee shall order the removal of the vehicle to the city's vehicle storage lot. At the time the vehicle is removed, a tow-in ticket shall be completed in triplicate.

(Ord. 4232, 1-4-94; Code 1985 § 48-214)

Sec. 14-4-96 - Title search.

At the time an abandoned vehicle is moved to the city's vehicle storage lot, the division of police services shall be notified immediately of such fact. The division of police services shall make, or cause to be made, a title search on the abandoned vehicle.

(Ord. 4232, 1-4-94; Code 1985 § 48-214.1)

Sec. 14-4-97 - Sale at public auction.

- A.** Procedure When Owner Known. After a title search of an abandoned vehicle has been made by the division of police services, the division of police services shall give notice by registered or certified mail to the owner of such vehicle that the vehicle will be sold at public auction. Such notice shall specify the date, hour and location of the sale. If the vehicle is sold from the city's storage lot, the division of police services shall determine the date of the sale of the abandoned vehicles. The vehicles shall be sold by the city purchasing agent and he or she may sell the vehicles individually or as a group. The vehicles shall not be sold within thirty (30) days after the title search. Each car at the sale shall be subject to the tow-in charge, storage charges and expenses of sale, which charges shall be approved by the division of police services. The title to the abandoned vehicle sold at the aforesaid public auction shall pass to the purchaser at the time of the sale. Any additional amount in excess of the tow-in charge, storage charges and expenses of sale shall be paid to the former owner of the vehicle if a claim is presented within ninety (90) days after the date of sale. The amount received for the vehicles shall be reported to the division of police services. Notice of sale shall be published and/or posted at the courthouse and such other places as the purchasing agent determines, fifteen (15) days in advance of the sale.
- B.** Procedure When Owner of Vehicle Cannot be Ascertained. If the owner of the vehicle cannot be ascertained by the title search of the division of police services, the vehicle shall be sold in accordance with the provisions of subsection A of this section, provided that the notice to the owner by registered or certified mail shall be dispensed with.
- C.** No Identification Number. If such vehicle has no serial number or other identification number, then the title search as hereinabove provided for shall be dispensed with and the vehicle shall be sold in accordance with the provisions of subsection A of this section after thirty (30) days of it being moved to the vehicle storage lot, provided that the notice by registered or certified mail to the owner shall also be dispensed with.
- D.** Disposition of Worthless Vehicles. Any vehicles as herein provided, which, after having been advertised and listed for sale, shall bring no price, then and in that event, the purchasing agent or private storage lot operator shall deem such vehicle as worthless and shall dispose of such vehicle in such manner as he or she and the division of police services may deem right and proper.
- E.** Vehicles Over Six Years Old and Totally Inoperable. Notwithstanding any other provision of this article, any person, firm, corporation or unit of government, upon whose property or in whose possession is found any abandoned motor vehicle or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this article, if the motor vehicle is over six years old and has no engine or is totally inoperable.

(Ord. 4232, 1-4-94; Code 1985 § 48-214.2)

Sec. 14-4-98 - Return of vehicle to owner.

If during the time that the vehicle is being held at the vehicle storage lot the owner of the vehicle demands the return of such vehicle, then the vehicle shall be returned to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the director of the division of police services of such redemption by the owner of the vehicle.

(Ord. 4232, 1-4-94; Code 1985 § 48-214.3)

Sec. 14-4-99 - Storage and sale of valuable property found in abandoned vehicles.

Any valuable property found in any abandoned vehicle subject to this article shall be stored by the division of police services and sold at public auction by the purchasing agent or stored and sold with the abandoned vehicle.

(Ord. 4232, 1-4-94; Code 1985 § 48-214.4)